

FILED
Clerk
District Court

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

FEB 23 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

CR- 04-00038-002

February 23, 2006
2:00 p.m.

UNITED STATES OF AMERICA -V- CHARLEY KINTARO PATRIS

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
TIMOTHY MORAN, Assistant U. S. Attorney
ANTHONY LONG, Counsel for Defendant
CHARLEY KINTARO PATRIS, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Anthony Long. Government by Timothy Moran and Timothy Moran, AUSAs. Also present was U.S. Probation Officer, Margarita Wonenberg and FBI Special Agent, Joseph Auther.

There were objections to the Presentence Investigation Report, by Attorney Long, and he moved to have the PSR amended. The objections were argued. Court **DENIED** the motions to amend the PSR.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had no objections. Court adopted the advisory guidelines.

Government recommended that this defendant receive a sentence of **135 months** incarceration and a fine of **\$50,000**. Defense called witnesses:

STANLEY K. PATRIS (Brother of defendant.) DX. (No CX).

JOSEPH PATRIS.(10 year old son of Charley Patris). DX. (No CX.)

OLIVER PATRIS (14 year old son on Charley Patris). DX. (No CX.)

CARLENE PATRIS (7 year old daughter). DX.

THERESA PATRIS (Wife of defendant.) DX. CX.

Defense recommended a sentence of not more than **5 years incarceration and no fine.**

Defendant made his allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **CHARLEY KINTARO PATRIS** is hereby sentenced to **60 months for Count VI; 60 months on count VIII and 108 months as to Count IX.** The sentences shall run concurrent and the defendant is credited for time served. While in prison, the defendant shall participate in drug counseling, vocational or educational programs to include financial management. After release from imprisonment defendant shall be placed on three years supervised release on each of the counts of conviction, to run concurrently. The term of supervised release will require that the defendant comply with the following conditions:

1. That the defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. §3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. §1101. As a further condition of probation, if ordered deported, the defendant shall remain outside and shall not re-enter the United States, or its territories or possessions, without the permission of the Attorney General. If deportation fails to occur and the defendant is pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release;
2. The defendant shall not commit another federal, state, or local offense;
3. The defendant shall not unlawfully possess a controlled substance;
4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter not to exceed eight tests per month as directed by the U.S. Probation Officer;
5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon and shall not have such weapon at his residence;
6. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
7. The defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. §3583;
8. The defendant shall seek and maintain gainful employment; and

9. The defendant shall perform 300 hours of community service under the direction of the United States Probation Office.

It was further ordered that the defendant pay to the United States a special assessment fee of **\$300** to be paid immediately after sentencing. All fines were waived.

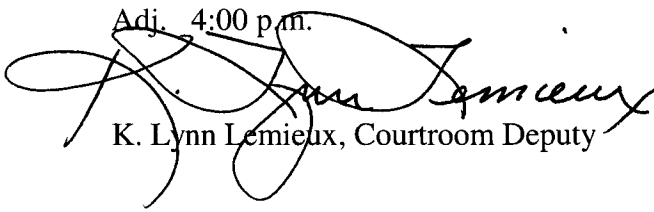
No objection to the sentence by the attorneys. Defendant was advised that he had 10 days in which to appeal the sentence imposed in his case. Further, he was advised that if he cannot afford an attorney for the appeal the Court will appoint one for him.

Defense requested that the defendant be allowed to visit his family prior to his departure to the correction facility. Government objected. Court stated that a recommendation would be made that the defendant be allowed a two-hour visit with his family at the correctional facility; but that a home visit would be **DENIED**.

Court stated that a recommendation would be made to the correctional facility to insure that the defendant received a medical evaluation to determine what medical care was necessary.

Defendant was remanded back into the custody of the U.S. Marshal.

Adj. 4:00 p.m.


K. Lynn Lemieux, Courtroom Deputy